



The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 18, 2007

By Facsimile

Honorable Harold Baer, Jr.
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007-1312
Fax: (212) 805-7901

Re: United States v. Francis Eng, 07 Cr. 461 (HB)

Dear Judge Baer:

Pursuant to conversations with Mr. Swain and counsel for defendant Frances Eng, I am writing to inform the Court of the status of discussions regarding motions in this case. At the pretrial conference on June 14, 2007, this Court ordered the parties to submit fully briefed motions by July 27, 2007, and set argument on those motions for July 30, 2007, at 2 pm.

The parties agree that with respect to defendant Frances Eng, and consistent with Mr. Brill's letter to the Court on July 13, 2007, filing motions at this point would be premature. Defendant Eng has indicated that she intends to file motions seeking two forms of relief: (1) an order limiting or clarifying the scope of discovery that the Government has provided pursuant to Rule 16(a); and (2) a bill of particulars. The Government has informed both chambers and counsel for defendant Frances Eng that it intends to file a superseding indictment adding substantive counts against Eng. Both parties believe that the superseding indictment will either moot the relief defendant Eng intends to seek or significantly clarify the issues for the Court.

*if the terms get to a point where
Eng will assume all D's last
indictments are not to be superseded
and no motions are filed - lets just
SO ORDERED: Date: 7/23/07
Harold Baer, Jr., U.S.D.J.
Date: 7/23/07*

Accordingly, the Government requests that the Court extend the date for defendant
Frances Eng to file motions until after the Government files a superseding indictment. Neither
party believes that this request will affect the trial date, which is currently set for October 9,
2007, at 9:30 am.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:



David A. O'Neil
Assistant United States Attorney
Tel. No.: (212) 637-2533

cc: Philip Karysak, Esq. (by facsimile: 212-233-3801)

Endorsement:

This seems reasonable and I will assume all defendants but Eng are not filing since these indictments are not to be superseded and no motions were filed - lets put next PTC over sine die and have next week Tuesday 7/31 to see what we are at noon.